

FairPoint Communications, Inc.
State of New Hampshire
Docket No. DT 07-011

Respondent: Peter G. Nixon
Title: President

REQUEST: Office of Consumer Advocate - Rebuttal

DATED: September 19, 2007

ITEM: OCA R-145 Re page 43, lines 9 through 18, of the Rebuttal Testimony of Peter G. Nixon.

- a. Assuming that state, regional, and local government officials need information in order to identify broadband gaps so that they can explore alternative ways to serve unserved areas of the state, how does FairPoint propose to inform policy makers about the availability of FairPoint's broadband?
- b. Does Mr. Nixon have any suggestions on how FairPoint can contribute to New Hampshire's overall efforts to identify and to serve consumers that will not be served by FairPoint's broadband within the foreseeable future. If so, please explain.
- c. What confidential progress reports, if any, would FairPoint be willing to make to the PUC and to the OCA regarding FairPoint's broadband deployment progress?
- d. If there are consumers for which FairPoint-provided DSL is not going to be an option within 24 months after closing, is there a way that such information can be communicated to consumers and to government officials in order to:
 - i. Not raise consumer expectations needlessly; and
 - ii. Focus alternative efforts efficiently (e.g., municipalities' deployment of wireless broadband)? Please explain.

REPLY: **OBJECTION:** FairPoint objects to Data Request R-145 on the grounds that it seeks highly confidential and proprietary commercial and strategic information that would provide competitors a business advantage if disclosed. The information sought pertains to the provision of competitive services and includes trade secret information that required significant effort and cost to produce and/or confidential, research or commercial information, including customer, geographic,

market and product-specific data. Subject to and without waiving this objection, FairPoint will provide information responsive to Data Request R-145. [Objection served September 25, 2007.]

- a. FairPoint will work cooperatively with policy makers to provide the information needed, similar to that provided by other broadband providers
- b. FairPoint's economic development initiative can assist in the identification of underserved broadband areas that have application needs that may be able to support broadband investment. FairPoint will work cooperatively with policy makers to develop initiatives and incentives to promote broadband deployment in underserved areas.
- c. FairPoint will provide semi-annual confidential reports to the PUC and OCA, reporting on the status of the deployment.
- d. FairPoint will deploy its plan which identified central offices and remotes that will support DSL and on a confidential basis will provide the PUC and OCA with a proposed timeframe by central office and remote for deployment. FairPoint will provide to the PUC and the OCA within 6 months of close with a list of the remotes which are not included in the 24 month plan.